



## **Montana Fish, Wildlife & Parks**

Region One  
490 North Meridian Road  
Kalispell, MT 59901  
(406) 752-5501  
Fax: 406-257-0349  
Ref: JS040-09  
January 15, 2009

Ladies and Gentlemen:

Fish, Wildlife & Parks (FWP), Region One, has completed an amended environmental assessment (EA) for the proposed Hay Creek Land Acquisition of 53 acres, located near the mouth of Hay Creek in Flathead County. After reviewing the amended draft EA, and the public comments and public support FWP received on this proposal, it is recommended that FWP complete the proposed acquisition, subject to final approval by the FWP Commission and the State Land Board.

There were no changes to the amended draft EA based upon public comment received; therefore, the amended draft becomes the final EA. A copy of the amended decision notice is enclosed for your review. Please contact Fisheries Conservation Specialist John Wachsmuth at (406) 751-4554 or e-mail to [jwachsmuth@mt.gov](mailto:jwachsmuth@mt.gov) with questions or comments.

Sincerely,

James R. Satterfield, Jr., Ph.D.  
Regional Supervisor

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Enclosure

c: \*Governor's Office, Attn: Mike Volesky, PO Box 200801, Helena, 59620-0801  
\*Environmental Quality Council, PO Box 20, Helena, 59620-1704  
\*Dept. of Environmental Quality, Planning, Prevention & Assistance, PO Box 200901, Helena, 59620-0901  
\*Dept. of Environmental Quality, Permitting Compliance, PO Box 200901, Helena, 59620-0901  
\*Montana Fish, Wildlife & Parks, Director's Office – Reg Peterson; Legal Unit – Stella Cureton; Fisheries – Karen Zackheim, Nancy Podolinsky, Jim Vashro, Joel Tohtz; Wildlife – Ken McDonald, Jim Williams; Lands – Darlene Edge; Parks – Dave Landstrom; Enforcement – Lee Anderson; Rebecca Cooper  
Lynn Ducharme, Confederated Salish & Kootenai Tribes, PO Box 278, Pablo, 59855  
\*DNRC, PO Box 201601, Helena, 59620-1601 (Patty Greene)  
\*Montana Historical Society, SHPO, 225 North Roberts, Veteran's Memorial Building, Helena, 59620-1201  
\*Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800  
\*Adam McLane, Montana Environmental Information Center, PO Box 1184, Helena, 59624  
\*George Ochenski, PO Box 689, Helena, 59624  
\*Wayne Hirst, Montana State Parks Foundation, PO Box 728, Libby, 59923  
\*Montana State Parks Association, PO Box 699, Billings, 59103  
\*Joe Gutkoski, President, Montana River Action Network, 304 N 18<sup>th</sup> Ave., Bozeman, 59715  
\*Rep. Douglas Cordier, 1930 Tamarack Lane, Columbia Falls, 59912  
Rep. Bill Beck, PO Box 2049, Whitefish, 59937  
\*Sen. Dan Weinberg, 575 Delrey Road, Whitefish, 59937  
\*Sen. Jerry O'Neil, 985 Walsh Road, Columbia Falls, 59912  
Flathead County Commissioners, 800 S Main Street, Kalispell, 59901  
Flathead County Libraries, 247 First Avenue E, Kalispell; 9 Spokane Ave., Whitefish;  
130 6<sup>th</sup> St. W, Columbia Falls  
Interested Parties



**Region 1  
490 N. Meridian Road  
Kalispell, MT 59901**

**Amended Draft Environmental Assessment  
and  
Amended Decision Notice  
for the  
Hay Creek Land Acquisition**

**January 15, 2009**

**Introduction**

In September 2008, Fish, Wildlife & Parks (FWP) Region One issued a draft environmental assessment (EA) and decision notice for the proposed 53-acre Hay Creek Land Acquisition. After the decision notice was issued, the Region decided to amend the original draft EA to include the fact that FWP would be conveying a perpetual conservation easement to the Bonneville Power Administration (BPA) upon purchase of the property. BPA is funding the acquisition to mitigate for fisheries impacts of Hungry Horse Dam. The Region sent out the amended draft EA on December 12, 2008, for a 28-day public comment period closing January 9, 2009. The approximate purchase price is \$400,000.

**Background**

Under an existing agreement with BPA, FWP and the Confederated Salish and Kootenai Tribes (CSKT) can spend about \$8 million to conserve and protect fisheries habitats in the Flathead River basin through conservation easements or acquisitions. The entities have already spent approximately \$3.5 million on habitat projects in the Swan, Flathead, and Jocko Valleys. FWP and the CSKT worked cooperatively to develop the criteria for ranking lands suitable for fisheries habitat conservation. After working with the CSKT, members of the River-To-Lake Initiative, local landowners, and FWP staff, FWP identified this 53-acre parcel located near the mouth of Hay Creek for potential acquisition. This stream has Class 2 fisheries habitat values according to the Flathead Subbasin Plan and has been jointly ranked as a priority acquisition by the joint FWP and CSKT fisheries technical committee. This parcel has 0.6 km of high quality, intact, meandering fisheries habitat with no development on the parcel. The Region would like to secure this habitat for long-term protection of westslope cutthroat and bull trout. The parcel adjoins both Forest Service and Montana Department of Natural Resources & Conservation lands and is used by elk, moose, grizzly and black bears, and many other wildlife species. Regional Fisheries staff have previously improved stream channel habitat above and within this parcel. This acquisition would help insure the habitat values of this stream section are maintained in perpetuity.

## **Project Proposal**

The proposal is for FWP to acquire 53 acres of land from a private landowner, located near the mouth of Hay Creek in Flathead County, subject to the conservation easement conveyed to BPA at closing. FWP would manage this parcel as part of a Fisheries Greenway or Habitat Conservation program. This site is located just south of the town of Polebridge near the North Fork of the Flathead River and is in Flathead County, Montana, at Tract 1B in W1/2W1/2 of government Lot 4 located in Section 2, Township 34 North, Range 21 West and Tract 1b in NE1/4NE1/4 of Government Lot 1 in Section 3, Township 34 North, Range 21 West.

## **Conservation Easement Terms**

The following are the uses that would be prohibited by the conservation easement unless they were considered “compatible uses” in Part IV of the conservation easement specifically approved in a management plan agreed to by BPA:

1. Haying and/or mowing;
2. Altering of grassland, woodland, wildlife habitat, or other natural features by burning, digging, plowing, disking, cutting, or otherwise destroying the vegetative cover;
3. Dumping refuse, wastes, sewage, or other debris;
4. Harvesting wood products;
5. Draining, dredging, channeling, filling, leveling, pumping, diking, impounding, or related activities, as well as altering or tampering with water control structures or devices;
6. Diverting or causing or permitting the diversion of surface water into, or out of, the easement area surface by any means;
7. Building or placing buildings or structures on the easement area;
8. Planting or harvesting any crop; and
9. Grazing or allowing livestock on the easement area.
10. Mining - excavation, dredging, or removal of soil, sand, gravel, rock, minerals, or other surface or subsurface materials.
11. Incompatible Uses - surface use except for such purposes necessary to preserve, enhance, restore, or create wetlands and riparian resource functions and values;
12. Acts Detrimental to Conservation - activities detrimental to conservation of the the following: fish and wildlife habitat, flood control, erosion control, water quality protection and enhancement, traditional cultural materials production, aesthetics, and low impact recreation;
13. Subdivision - subdivision of land into multiple, independently platted parcels.

However, the use of the easement area for compatible economic uses, including, but not limited to, managed timber harvest, periodic haying, or grazing may be allowed if addressed and approved by BPA in the management plan for the property.

## **Montana Environmental Policy Act**

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. MEPA directs state agencies to ensure that the public is informed of and has the opportunity to participate in the decision-making process. FWP prepared a draft and amended environmental assessment (EA) that identified the potential environmental and social impacts of this acquisition.

## **Description of Proposed Action and Alternatives**

FWP developed only one viable alternative for the proposed action, the no-action alternative. The landowner was not interested in conveying a conservation easement and so this alternative was not considered.

## **Environmental and Social Impacts Draft EAs**

FWP analyzed the environmental impacts of the proposed action and no-action alternatives in both the original and amended draft EAs. Neither the draft nor amended draft EA identified any significant environmental or socio-economic impacts from the proposed acquisition or conservation easement. FWP will continue to pay taxes on the property. FWP does not anticipate any development or restoration of the property, but the land would be available for dispersed recreational use. FWP will develop a more detailed management plan within one year of the acquisition. Maintenance costs are expected to be minimal.

## **Public Involvement**

In compliance with the Montana Environmental Policy Act, an amended draft EA was prepared and released on December 12, 2008, for a 28-day public review through 5:00 p.m., Friday, January 9, 2009. FWP mailed notification cards to 35 individuals or entities, including all neighboring property owners, sportsman groups, and other interested parties. Notices were placed in three newspapers (Hungry Horse News, Bigfork Eagle, and Daily Inter Lake), a news release was done, and notices were mailed to neighboring property owners, local conservation groups, and other area outdoor organizations. Copies of the draft EA were made available at the local libraries in Kalispell and Columbia Falls, the FWP Region One headquarters in Kalispell, the state library, and the FWP web site.

## **Public Comments**

FWP received three comments in favor of the proposed acquisition during the first public comment period for the first draft EA. FWP received two additional comments from other individuals in favor of the project in the amended draft EA.

**Comment:** The Flathead Audubon Society is a local, active group of people interested in sound stewardship and management of natural resources. They supported the project by stating:

“We have reviewed the Draft Environmental Assessments for both the Hay Creek Land Acquisition and the Foy’s Bend Fee Title Land Purchase and wish to express our support for both proposed projects. In both cases the projects will not only preserve and protect native fisheries habitat but will also provide long-term benefits to many other wildlife species associated with the riparian and upland habitats on both properties.”

The other two public comments also supported the acquisition of the parcel.

## **Revisions to the Amended Draft EA**

FWP proposes no changes to the amended draft EA as a result of public comment. The amended draft EA, together with this amended decision notice, will serve as the final amended EA and environmental document for this proposal.

**Decision**

After reviewing the amended draft EA, the public comments, and public support FWP received on this proposal, I recommend FWP complete the proposed action, the acquisition of 53 acres of land along Hay Creek in the North Fork of the Flathead basin subject to final approval by the FWP Commission and the State Land Board. This site is a key location for fisheries and wildlife habitat protection in the North Fork drainage. This site will remain undeveloped and provide sustainable riparian and wetland habitat for westslope cutthroat trout and bull trout, and will also provide excellent wildlife habitat for future generations of Montanans to enjoy. It is my belief that the proposed acquisition has the greatest benefits to the human and natural environment.



1/15/09

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James R. Satterfield, Jr., Ph.D.  
Regional Supervisor

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Date